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9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE SOUTHERN DISTRICT OF NEW YORK**

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<p>Frank Liu Plaintiff, vs. The Nielsen Company (US) LLC and TNC US HOLDINGS Defendants.</p>	<p>Case #1:22-cv-09084-JHR-OTW Plaintiff's Proposed Briefing Schedule</p>
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Introduction

Plaintiff conferred with Defendants' attorney Mr. Brian Aubrey Smith on 1/30/2024, does not appear a consensus was reached. Therefore, Plaintiff files this proposed briefing schedule proposal on his own. Plaintiff believes Defendants will file their own separate proposed briefing schedule.

Additional Info about Confer Call

8 Plaintiff informed Mr. Smith he was disappointed that Defendants did not confer with
9 him prior to filing their motion to stay discovery. Plaintiff believes had Defendants
10 conferred with him prior to filing their motion to stay discovery, Plaintiff probably would
11 have told them that he would agree to stay discovery if Defendants could just provide him
12 the Sedgwick New Jersey files. Plaintiff told Mr. Smith to go to his clients and propose this
13 deal even though Defendants had already filed their motion to stay discovery. Mr. Smith
14 said he will talk to Nielsen about it, but he didn't think Nielsen would accept it as they want
15 all discovery stayed. Mr. Smith has not gotten back to Plaintiff at the time of submitting
16 this proposed scheduling order, on Monday February 5, 2024, which is unfortunate given
17 the deadline of this proposed scheduling order being due on the 6th before close of business.
18 I don't want to procrastinate on this and be late, so therefore I am filing my proposed
19 schedule briefing now because I don't know if Defendants will actually get back to me or
20 not before the close of business February 6, 2024 deadline. Furthermore, Mr. Smith made it
21 clear it was unlikely Nielsen would accept the deal anyway. I thought it was a good deal to
22 offer as it would get rid of 2 motions (Defendants' motion to stay discovery and Plaintiff's
23 yet-to-be-filed motion to compel).

Plaintiff's Proposed Briefing Schedules:

2 Proposed Briefing Schedule for Defendants' Motion to Stay Discovery (ECF 55):

Plaintiff's Response is due March 4, 2024

4 Defendants' Reply (if they choose to file one) can be due March 18, 2024. On the
5 call, Mr. Smith said he wasn't sure if Defendants were going to file a reply brief to their
6 motion letter to stay discovery. Plaintiff proposes March 18, 2024 for their deadline in case
7 they decide to file a reply brief.

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9 Proposed Briefing for Defendants' Motion to Dismiss (ECF 54):

10 Plaintiff proposes his response is due 28 days after Court rules on Plaintiff's (yet-to-
11 be-filed) motion to strike Defendants' Motion to Dismiss. However, if Plaintiff's yet-to-be-
12 filed motion to strike is successful, Plaintiff believes he would not have to file a response to
13 Defendants' motion to dismiss.

14 Plaintiff proposes Defendants' reply is due 14 days after Plaintiff's response is filed
15 (should the yet-to-be filed motion to strike fail to dispose of Defendants' motion to
16 dismiss).

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18 ***Telephonic or via Zoom Oral Argument will be requested by Plaintiff for Defendants'
19 motion to dismiss if Plaintiff's yet-to-be-filed motion to strike is unsuccessful because a pro
20 se party who is not a lawyer might need oral arguments to better explain their case to the
21 Court (eg. if the Court has questions or if the pro se party's briefings is unclear). A motion
22 to dismiss is a critical thing compared to other types of motions so Plaintiff will request oral
23 arguments regarding Defendants' motion to dismiss should Plaintiff's yet-to-be-filed motion
24 to strike fail to dispose of Defendants' motion to dismiss (ECF 54).***

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Motions Plaintiff Plans to File

27 Plaintiff plans to file his Motion to Strike Defendants' Motion to Dismiss Amended
28 Complaint by February 26, 2024. Plaintiff proposes a standard briefing schedule for the

1 motion to strike when it is filed because Defendants have more than one lawyer and are
2 experienced attorneys, so they probably wouldn't need more time to respond.

3 Plaintiff plans to file his Motion to Compel release of Sedgwick New Jersey
4 Worker's Compensation files by February 26, 2024. Plaintiff proposes a standard briefing
5 schedule for the motion to compel when it is filed because Defendants have more than one
6 lawyer and are experienced attorneys, so they probably wouldn't need more time to
7 respond.

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9 **NOTE ABOUT FILING:**

10 Plaintiff most likely will be continuing to file documents by emailing
11 Temporary_Pro_Se_Filing@nysd.uscourts.gov. It is Plaintiff's understanding that if an
12 email is sent on or before 11:59 PM EST, it still counts for the day it was sent, even though
13 it may not appear on the docket until the next business day because the Pro Se Clerk Office
14 need to look over it and put it on the docket when they are open. Therefore, the deadlines
15 proposed by the Plaintiff are the submit dates and might not necessarily be the date it is
16 imputed in the system due to how the pro se email filing system works.

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19 Respectfully submitted,

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22 Dated 2/05/2024

23 Frank Liu
24 Pro Se Plaintiff

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